

F A R E R F E R S K O

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

May 12, 2010

Via ECF

Honorable Joel A. Pisano, U.S.D.J.  
Clarkson S. Fisher Federal Building  
and U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608

Re: ANJRPC, et al. v. Christopher J. Christie, Governor of New Jersey et al.  
Docket No.: 3:10-cv-00271-JAP-TJB  
Our File No.: 011901

Dear Judge Pisano:

We represent the Plaintiffs in the above-referenced matter.

We submit this letter in response to several issues raised by the State Defendants' Reply Brief filed on April 6, 2010. In their Reply, State Defendants argue that Plaintiffs did not have leave to file the certification of Vincent Furio ("Furio Certification") as supplemental papers to Plaintiffs' preliminary injunction motion. State Defendants also argue that no court rule permits Plaintiffs to incorporate their other motion papers by reference.

We believe these positions are without merit. The amendment of the Complaint and the Furio Certification add no new substantive arguments to the case or to the preliminary injunction motion. State Defendants recognize as much in relying on their original dismissal motion papers as against the Amended Complaint, arguing that the issues in the Complaint and Amended Complaint are identical.

Moreover, there is no rule which prohibits incorporation of other pleadings by reference and in fact, State Defendants did precisely the same thing in incorporating their dismissal brief in opposition to Plaintiffs' preliminary injunction motion.

Nonetheless, if the Court prefers that Plaintiffs obtain leave to file the Furio Certification, Plaintiffs will file the appropriate application to do so.

Respectfully submitted,

/s/ Daniel L. Schmutter  
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DLS:mjd

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